THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4203 OF 2006

-

Dated: 03-03-2006

Between

Smt. Hanumanthu Mrudula,

W/o. H.L.N. Dora, aged 46 years,

Plot No.27, Vijaya Cooperative,

CMB Compound, Visakhapatnam.

... PETITIONER

AND

1. The District Collector,

Visakhapatnam District,

Visakhapatnam and another.

... RESPONDENTS

ORDER:

-

-

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

The petitioner submits that she is the absolute owner of 541.6 square yards covered by Survey No.294/7-A Part in Mangamarripeta, Hamlet of Kapulippada village, Bheemunipatnam Mandal, Visakhapatnam District, having purchased the same vide registered sale deed bearing No.1328 of 2002 dated 22-04-2002 executed by one G. Prasad Naidu. It is stated that the vendor of the petitioner has got a saleable right and he is also having link documents to show that he is the absolute owner of the said property. It is also stated that the petitioner got constructed a small house in the schedule site in the year 2003 and also got electricity connection in his name and as the house constructed by him is not catering to his needs, he started construction of pucca RCC building by demolishing earlier house in the month of December, 2005. The Grampanchayat is not taking any action, but the 2nd respondent-Mandal Revenue Officer, is interfering with the right of the petitioner in constructing the house without following due procedure prescribed under the law.

Learned Government Pleader for Revenue submits that the land in question might be a Government land, therefore, the revenue authorities are interfering with the construction of the petitioner.

Whether it is a Government land or the petitioner is the absolute owner of the property in question, is the matter to be decided in accordance with law. If it is a Government land, it is for the revenue authorities to issue appropriate notice calling upon the petitioner to file an explanation, justifying their action but without following due procedure prescribed in law, the revenue authorities cannot take any action against the petitioner.

Having regard to the facts and circumstances of the case,

the writ petition is disposed of directing the 2nd respondent-Mandal Revenue Officer, not to interfere with the peaceful possession and enjoyment of the petitioner except otherwise in accordance with due process of law.

The writ petition is accordingly disposed of. No order as to costs.

_____

V. ESWARAIAH, J

March 3, 2006

Note: Furnish C.C. of the order by 06.03.2006

(**B**/**o**)

DSK